

Amendments to the Claims

1. (Currently amended) A lottery card reader comprising

(A) ~~a clip made from two separate pieces that are assembled together, said clip having a first and a second pair of arms attached to a pivot, where the arms in said first pair are separated and the arms in said second pair said clasping arms are resiliently biased towards each other, whereby moving said first pair of arms together moves said second pair of~~ having

(1) a first molded piece of plastic having a clasping arm, a gripping arm and a fulcrum therebetween;

(2) a second molded piece of plastic having a clasping arm, a gripping arm, a fulcrum therebetween that engages the fulcrum of said first molded piece of plastic, and having a resilient member that extends from said second molded piece of plastic and contacts said first molded piece of plastic;

(3) molded plastic means extending from one of said molded pieces of plastic for attaching said first molded piece of plastic to said second molded piece of plastic so that the clasping arm of said first molded piece of plastic opposes the clasping arm of said second molded piece of plastic and the gripping arm of said first molded piece of plastic opposes the gripping arm of said second molded piece of plastic, and said resilient member resiliently forces said clasping arms together and said gripping arms apart; and

(B) a single transparent flap attached to said clip that can cover games on a lottery card to which said clip is attached, whereby a lottery card inserted between said ~~second pair of~~ clasping arms under said

transparent flap is releaseably gripped by said ~~second pair of~~ clasping arms.

2. (Currently amended) A lottery card reader according to Claim 1 wherein said ~~two separate pieces~~ first molded piece and said second molded piece snap together.
3. (Original) A lottery card reader according to Claim 1 wherein said transparent flap is a single, unfolded sheet.
4. (Currently amended) A lottery card reader according to Claim 1 wherein one of said two separate pieces are each molded plastic molded pieces has a pair of arms that snap onto the other of said molded pieces.
5. (Original) A lottery card reader according to Claim 1 wherein said transparent flap can be eraseably written on in ink.
6. (Original) A lottery card reader according to Claim 1 wherein said transparent flap is about 3 to about 4 inches long and about 1 $\frac{3}{4}$ to about 2 inches wide.
7. (Original) A lottery card reader according to Claim 1 wherein a vertical reference mark is printed on said transparent flap.
8. (Original) A lottery card reading assembly comprising (A) a lottery card and (B) a lottery reader according to Claim 1 attached thereto.

9. (Original) A lottery card reading assembly comprising (A) a lottery card reader according to Claim 1 and (B) an envelope in which said lottery card can be placed, where a table is printed on said envelope, said table having spaces therein for inserting information about each of a multiplicity of lottery cards.

10. (Currently amended) ~~A method of checking a lottery card that has symbols marked on it that were chosen for at least two identical games, comprising attaching a lottery card reader according to Claim 1 to the top of said card, marking the winning symbols on said transparent flap, and re-attaching said lottery card reader to said lottery card so that the symbols marked on said transparent flap coincide with the corresponding symbols of each game played wherein~~
the clasping arm of one of said molded pieces of plastic comprises two parts that extend over only the ends of said transparent flap, leaving the middle of said transparent flap exposed.

11. (Currently amended) A lottery card reader comprising

(A) ~~a clip made from two separate pieces of molded plastic that are assembled together, said clip having a first and a second pair of arms attached to a pivot, where the arms in said first pair are separated and the arms in said second pair are resiliently biased towards each other, whereby moving said first pair of arms together moves said second pair of~~
consisting essentially of

(1) a first molded piece of plastic having a clasping arm, a gripping arm and a fulcrum therebetween;

(2) a second molded piece of plastic having a clasping arm, a gripping arm, a fulcrum therebetween that engages the fulcrum of said first molded piece of plastic, and having a resilient member that extends

from said second molded piece of plastic and contacts said first molded piece of plastic;

(3) means for attaching said first molded piece of plastic to said second molded piece of plastic so that the clasping arm of said first molded piece of plastic opposes the clasping arm of said second molded piece of plastic and the gripping arm of said first molded piece of plastic opposes the gripping arm of said second molded piece of plastic, and said resilient member resiliently forces said clasping arms together and said gripping arms apart, said means comprising a pair of arms that extend from one of said molded pieces of plastic that snap into indentations on the other of said molded pieces of plastic; and

(B) a transparent flap that is a single, unfolded sheet attached to said clip that can cover games on a lottery card to which said clip is attached, whereby a lottery card inserted between said ~~second pair of clasping~~ arms under said transparent flap is releaseably gripped by said ~~second pair of clasping~~ arms.

12. (Currently amended) A lottery card reader according to Claim 11 wherein ~~said two separate pieces snap together~~ the clasping arm of one of said molded pieces of plastic comprises two parts that extend over only the ends of said transparent flap, leaving the middle of said transparent flap exposed.

13. (Original) A lottery card reader according to Claim 11 wherein said transparent flap can be eraseably written on in ink.

14. (Original) A lottery card reader according to Claim 11 wherein said transparent flap is about 3 to about 4 inches long and about 1¾ to about 2 inches wide.
15. (Original) A lottery card reader according to Claim 11 wherein a vertical reference mark is printed on said transparent flap.
16. (Original) A lottery card reading assembly comprising (A) an envelope upon which is printed a table having spaces therein for inserting information about each of a multiplicity of lottery cards and (B) a lottery card reader according to Claim 11 clipped thereto.
17. (Original) A lottery card reading assembly comprising (A) a lottery card and (B) a lottery reader according to Claim 11 attached thereto.
18. (Currently amended) A lottery card reader comprising
- (A) ~~a clip made from two separate pieces of molded plastic that snap together, said clip having a first and a second pair of arms attached to a pivot, where the arms in said first pair are separated and the arms in said second pair are resiliently biased towards each other, whereby moving said first pair of arms together moves said second pair of~~ consisting essentially of
- (1) a first molded piece of plastic having a clasping arm, a gripping arm and a fulcrum therebetween;
- (2) a second molded piece of plastic having a clasping arm, a gripping arm, a fulcrum therebetween that engages the fulcrum of said first molded piece of plastic, and having a resilient member that extends

from said second molded piece of plastic and contacts said first molded piece of plastic;

(3) means for attaching said first molded piece of plastic to said second molded piece of plastic so that the clasp arm of said first molded piece of plastic opposes the clasp arm of said second molded piece of plastic and the gripping arm of said first molded piece of plastic opposes the gripping arm of said second molded piece of plastic, and said resilient member resiliently forces said clasp arms together and said gripping arms apart, said means comprising a pair of arms that extend from one of said molded pieces of plastic at said pivot point, that snap into indentations on the other of said molded pieces of plastic; and

(B) a rectangular transparent flap that is a single, unfolded sheet about 3 to about 4 inches long by about 1¾ to about 2 inches wide having a vertical reference line printed thereon, attached to said clip which can cover games on a lottery card to which said clip is attached, wherein the clasp arm of one of said molded pieces of plastic comprises two parts that extend over only the ends of said transparent flap, leaving the middle of said transparent flap exposed, whereby a lottery card inserted between said second pair of arms under said transparent flap is releaseably gripped by said second pair of arms.

19. (Previously presented) A lottery card reader according to Claim 18 wherein said transparent flap can be eraseably written on in ink.

20. (Previously presented) A lottery card reading assembly comprising (A) a lottery card and (B) a lottery reader according to Claim 18 attached thereto.

Comments

Claim 10 has been withdrawn from further consideration, but will be considered should an allowable generic or linking claim be found.

The drawings were objected to. New drawings are enclosed. Applicant has reviewed the drawings and they are believed to be correct. Flap 28 appears in both Figures 9 and 10. Number 29 has been deleted from Figure 9 and placed in Figure 10, which shows the aperture 29 more clearly.

Claim 10, which was not elected, has been amended so that it is now within the elected claims. Claim 10 is directed to the embodiment shown in Figure 4.

Claims 1 to 9 and 11 to 20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2 to 10 of U.S. Patent no. 6,634,126 in view of Brown. A terminal disclaimer is enclosed.

Claims 1, 3, and 5 were rejected under 35 U.S.C. 102(b) as anticipated by Hunter. Applicant has amended his claims to distinguish over Hunter. All of Applicant's claims now require that the two pieces that form the clip must be molded plastic. Hunter's pieces are made of metal. Metal is too expensive for Applicant's use and the spring (resilient portion) cannot be made of the same metal as the rest of the clip; with plastic, they can both be molded at the same time.

All of Applicant's claims further require that the means for attaching the two pieces of molded plastic together to form the clip must extend from one of the two pieces of molded plastic from which the clip is formed (so that it is molded with one of the pieces). There is nothing in Hunter that discloses or suggests an extension from one of his metal pieces that attaches to the other of his metal pieces to hold the clip together. Rather, Hunter employs a pivot axle 74 to hold the metal pieces together. Pivot axle 74 is not part of either of Hunter's two metal pieces that form his clip and it does not extend from either of those two metal pieces. Rather, it is a separate metal rod that must be inserted into holes. It is not obvious to modify Hunter so that one of his

metal pieces clips directly onto the other of his metal pieces in order to hold the clip together as that would require extensive modifications and elimination of his pivot axle 74 and means for holding it.

Claim 6 was rejected under 35 U.S.C. 103(a) as obvious over Hunter. Hunter has been discussed hereinabove and it is believed that the instant amendment distinguishes over Hunter.

Claims 2, 4, 11, 12 to 14, 18, and 19 were rejected under 35 U.S.C. 103(a) as obvious over Hunter in view of Brown. Hunter has been discussed. Brown was cited to show a clip made from molded plastic. However, no transparent flap is attached to Brown's clip, as required by all of Applicant's claims. The Examiner argues that it would be obvious "to modify Hunter by making the clip from two pieces which snap" as shown by Brown. Applicant does not agree. Brown's clip does not have "a pair of panel-like members" attached to the clip, as Hunter does. Brown's clip is molded plastic and it is not obvious how to attach a molded plastic clip to Hunter's two panel-like members.

Moreover, even if Hunter were modified with Brown's clip, the resulting structure still would not fall within the scope of Applicant's claims. First, Applicant's claims require a transparent "flap." A "flap" is a sheet that can flap, that is, that can flex and bend. Webster's Ninth New Collegiate Dictionary defines a "flap" as "something that is broad, limber, or flat and usu. thin and that hangs loose or projects freely." Hunter uses what he calls "panels," which are clearly rigid so as to provide a support for writing on. Webster's Ninth New Collegiate Dictionary defines a "panel" as "a thin usu. rectangular board set in a frame (as in a door)" or as "a flat usu. rectangular piece of construction material (as plywood or precast masonry) made to form part of a surface." Hunter does not disclose a flap and it would not be obvious to use a flap in Hunter because then there would be no rigid surface to write on.

Applicant's claims also require a single transparent flap. Hunter uses two panels, which may be transparent. It is not obvious to use only a single panel in Hunter

because Hunter wants to be able to hold a paper between the two panels. (See Abstract.)

For those reasons, it is not obvious to modify Hunter using Brown's clip.

Claim 7 was rejected under 35 U.S.C. 103(a) as obvious over Hunter in view of Hull et al. ("Hull"). Hunter has been discussed. Hull was cited to show a transparent holder that includes indicia printed on a sheet, but is not otherwise relevant. It would not be obvious to print indicia on Hunter's panels because Hunter is making a clipboard for general use and any permanent indicia would limit its use to a particular application.

Claim 15 was rejected under 35 U.S.C. 103(a) as obvious over Hunter in view of Brown further in view of Hull. Hunter, Brown and Hull have been discussed and Applicant has nothing further to add to his hereinabove remarks concerning those references.

Claim 8 was rejected under 35 U.S.C. 103(a) as obvious over Hunter in view of Cross et al. ("Cross"). Hunter has been discussed. Cross was cited to show "the idea of attaching a lottery ticket to a clip board." However, Cross does not show a transparent flap (nor does he show other features claimed by Applicant). Thus, since Hunter does not show using only a single transparent flap, this combination would still not fall within the scope of Applicant's claims.

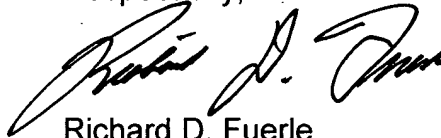
Claims 17 and 20 was rejected under 35 U.S.C. 103(a) as obvious over Hunter in view of Brown further in view of Cross. Hunter, Brown, and Cross have been discussed and Applicant has nothing further to add to his hereinabove remarks concerning those references.

Applicant notes that Claims 9, 10, and 16 were not rejected over prior art.

Applicant encloses herewith a check in the amount of \$125.00 payable to the Commissioner of Patents for the one month late fee (\$60.00) and the fee (\$65.00) for the terminal disclaimer.

As all of the rejections are now believed to be overcome, reconsideration and allowance of all of the claims are requested. The Examiner is requested to call Applicant's attorney at (716) 774-0091 if he has any other issues to discuss.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard D. Fuerle", written in a cursive style.

Richard D. Fuerle
Registration No. 24,640
For Applicant

Richard D. Fuerle
1711 West River Road
Grand Island, NY 14072
CASE PR-CIP
July 18, 2005